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### REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

#### In the Abstract:

The Applicant has amended the Abstract *sua sponte*, as shown below. A clean copy of the amended Abstract is attached.

The brakē device (30) for a lace (2), of a boot (31), sliding in a base part (1) linked to the boot (31), comprises a lever (3) articulated on the base part (1), returned by an elastic means (11) into a position of contact with the lace (2) preventing the sliding of the lace (2) in one direction by a pressing action. ~~It is noteworthy in that~~ The lever (3) has holding means (15, 16) enabling it to maintain a second, stable position allowing the sliding of the lace (2) in both directions, thus making ~~This device (30) makes the action required for opening the boot more convenient.~~

#### Rejection Objections (formalities) and Rejections under 112, Second Paragraph:

Concerning the Examiner's objection to the claims 6, 8, and 12, Applicant has made the corrections requested by the Examiner.

Concerning the Examiner's rejections under 112, Applicant has replaced all occurrences of "it" or "its" with term which the pronoun refers. Antecedent basis issues with the buckle are now corrected. Regarding claim 12, the meaning of tightening device has been clarified and the phrasology revised. Therefore, the terms and sections which the Examiner identified as being indefinite for failure to distinctly

claim the subject matter have been amended to more clearly define the invention. This rejection is overcome. Acknowledgement of this fact is respectfully requested.

102(b) Rejections based on Hart ('903):

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Hart ('903). Applicant has amended claim 1 to overcome this rejection by clearly stating that the device further comprises a means (12; 13) for releasing the return of the lever (3) into its position preventing the sliding of the lace (2) in one direction, said means (12; 13) for releasing being activated by an action consisting of exerting a defined tensile force in a defined direction on the free end (2b) of the lace (2). Hart shows only a mechanism that requires the manipulation of a plunger 29, which requires that the user perform two actions, one, to manipulate the lace, and two, to manipulate the plunger. Further, the invention as defined in claim 1 and new claim 13 comprises "a lever (3) directly actuateable by a user, articulated on the base part (1)". Nowhere in Hart is such a lever found. It is therefore respectfully asserted that claims 1 and 13, and all claims dependent therefrom are novel. It is believed that these amendments overcome the 102(b) rejection. Acknowledgement of this fact is respectfully requested.

103(a) Rejection based on Hart in view of Rio ('895):

As requested by the Examiner, Applicant states that subject matter of the various claims were jointly invented and thus commonly owned (but assigned to Lange International S.A.) at the time any inventions covered therein were made.

Applicant believes that given the amendments made to the claims, in particular claim 1, there is no teaching or suggestion in the combination of Hart and Rio that would enable one of ordinary skill in the art to make and use the invention. In particular, Rio requires a "stem 17" which must be actuated in order to release the mechanism which locks the laces. This is no different from the plunger 29 of Hart. In addition, there is no analogous feature or teaching of a user-actuateable lever. Therefore, lacking in the cited prior art is the teaching or suggestion of providing a

means that enables manipulation and control of the device through the lace only. Clearly, in Applicant's view, the invention as now claimed defines a patentable invention. Acknowledgment of this fact is respectfully requested.

**Allowable Subject Matter:**

Applicant thanks the Examiner for his indication that claims 4-5 and 8-11 would be allowable if rewritten to overcome the rejections under 112, second paragraph, and to include the limitations of the base claim and any intervening claims. Applicant has followed the Examiner's suggestions, merging the contents of original claim one, with the 112 corrections, into these claims, thereby putting them in condition of allowance. The remaining claims and new claims 13 and 14 are allowable for the reasons stated under Remarks above. Therefore, Applicant respectfully requests confirmation of allowance of all the pending claims via a Notice of Allowability of these claims.

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**Conclusion**

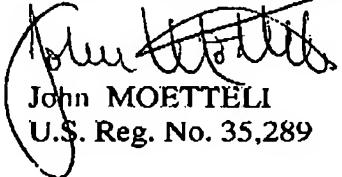
Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-747-7849, fax at 011-4122-347-7887 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at [moetteli@email.com](mailto:moetteli@email.com).

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of 0 month and the Undersigned authorizes the

Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

Respectfully submitted,

Date : August 3, 2004

  
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Enclosure: replacement abstract  
Clean copy of amended paragraphs